

TF:amt
7/23/74

AN ORDINANCE **44094**

DECLARING THE RESULTS OF THE CANVASS OF
THE SPECIAL MUNICIPAL ELECTION HELD THE
TWENTY-THIRD DAY OF JULY, 1974, ON THE
QUESTION OF COLLECTIVE BARGAINING FOR
FIREFIGHTERS IN THE SAN ANTONIO FIRE DE-
PARTMENT.

* * * * *

WHEREAS, a special municipal election was held on the 23rd day of
July, 1974, on the question of collective bargaining for firefighters
in the San Antonio Fire Department, pursuant to the provisions of
the Fire and Police Employee Relations Act; and

WHEREAS, the election was held and the returns made; and

WHEREAS, the City Council met on July 24, 1974 to canvass the returns
of said election; NOW THEREFORE:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The City Council has canvassed the returns of the special
election held on July 23, 1974, on the following proposition:

FOR or AGAINST the following:

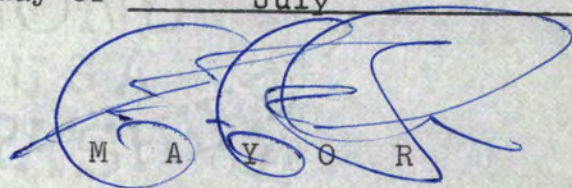
"Adoption of the state law applicable to fire-
fighters which establishes collective
bargaining when a majority of the affected
employees favor representation by an employees'
association and which preserves the prohibition
of strikes and lockouts and provides penal-
ties therefor."

and the City Council does hereby find and declare the result of the
election to be as follows:

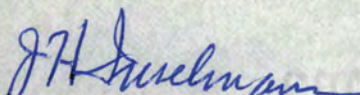
FOR:	<u>10,778</u>	Votes
AGAINST:	<u>3,112</u>	Votes

SECTION 2. A majority of the votes cast having been in favor of the
adoption of the Fire and Police Employee Relations Act, (Article
5154c-1, V.T.C.S., Chapter 81, 63rd Legislature), said act shall
be effective for firefighters as of August 15, 1974.

PASSED AND APPROVED this 24th day of July, 1974.


M A Y O R

ATTEST:


City Clerk

APPROVED AS TO FORM:

City Attorney

	AVIATION DIRECTOR	
	BUILDING & PLANNING ADMIN.	
	CITY WATER BOARD	
	COMMERCIAL RECORDER	
	COMMUNITY DEVELOPMENT OFFICER	
	COMMUNITY ANALYSIS DIVISION	
	COMPREHENSIVE PLANNING	
	CONVENTION BUREAU	
	CONVENTION CENTER	
	FINANCE DIRECTOR	
	ASSESSOR	
	BUDGET	
	CONTROLLER	
	TREASURY DIVISION	
	FINANCE-MODEL CITIES	
	FINANCE-GRANT SECTION	
	INTERNAL AUDIT	
	MANAGEMENT ANALYSIS	
	PROPERTY RECORDS	
	FIRE CHIEF	
	HEALTH DIRECTOR	
	HEMISFAIR PLAZA	
	LAND DIVISION	
	LEGAL	
	BACK TAX ATTORNEY	
	LIBRARY DIRECTOR	
	MARKET & PARKING	
	MODEL CITIES	
	MUNICIPAL COURTS	
	PARKS & RECREATION DEPT.	
	PERSONNEL DIRECTOR	
	POLICE CHIEF	
	PRESS ROOM	
	PUBLIC INFORMATION	
	PUBLIC WORKS DIRECTOR	
	ENGINEERING DIV.	
	ENGINEERING - SEWERS	
	PUBLIC SAFETY - ASSOC. MGR.	
	PURCHASING	
	SPECIAL SERVICES	
	TRAFFIC & TRANSPORTATION	
	ASSOC. MGR. C. GUERRA	

74-35
MEETING OF THE CITY COUNCIL DATE: 7-24-74
MOTION BY: Cashell SECONDED BY: Munday
ORD. NO. 44094 ZONING CASE _____
RESOL. _____ PETITION _____

COUNCIL MEMBER	ROLL CALL	AYE	NAY
LILA COCKRELL PLACE 1		✓	
DR. JOSE SAN MARTIN PLACE 2		abs	
CHARLES L. BECKER PLACE 3		✓	
REV. CLAUDE BLACK PLACE 4		abs	
GLENN LACY PLACE 5		✓	
CLIFFORD MORTON PLACE 6		abs	
W.J. "BILL" O'CONNELL PLACE 7		✓	
ALVIN G. PADILLA, JR. PLACE 8		abs	
LEO MENDOZA, JR. PLACE 9		✓	

74-35

NEWS RELEASE

NOTICE OF ELECTION

The City of San Antonio will hold a Special Election on Tuesday, July 23, 1974, on the question of collective bargaining for firefighters in the San Antonio Fire Department.

This election was called pursuant to the provisions of the Fire and Police Employee Relations Act when an organization known as the Firefighters for Public Safety filed a petition requesting an election on collective bargaining for firefighters in the San Antonio Fire Department. (A copy of the Fire and Police Employee Relations Act is enclosed.)

The ballot for said election is as follows:

FOR or AGAINST the following:

"Adoption of the state law applicable to firefighters which establishes collective bargaining when a majority of the affected employees favor representation by an employees' association and which preserves the prohibition of strikes and lockouts and provides penalties therefor."

All qualified voters residing in the City of San Antonio may vote in this election.

Voting on election day, Tuesday, July 23, 1974, will be conducted from 7:00 A. M. to 7:00 P. M. There are 182 voting precincts in the City of San Antonio. Certain voting precincts have been combined and there will be 69 polling places throughout the City on election day. (See attached list of polling places.)

Absentee voting by personal appearance will begin on Tuesday, July 2, 1974 and end on Friday, July 19, 1974. Voters who expect to be out of the City on election day may vote absentee at the City Clerk's Office, Second Floor, at City Hall between the hours of 7:45 A. M. and 4:30 P. M., Monday through Friday, except Thursday, July 4, 1974.

Shoup voting machines will be used in this election. Copy of the machine ballot is enclosed.

J. H. INSELMANN
City Clerk

June 27, 1974

July 23, 1974

<u>PRECINCT NO.</u>	<u>POLLING PLACE</u>
101	Brackenridge Elementary School, 1214 Guadalupe
102	Brackenridge Elementary School, 1214 Guadalupe
103	Barkley Elementary School, 1112 So. Zarzamora
104	Barkley Elementary School, 1112 So. Zarzamora
105	Barkley Elementary School, 1112 So. Zarzamora
106	Brackenridge Elementary School, 1214 Guadalupe
107	Brackenridge Elementary School, 1214 Guadalupe
108	St. James Library, 907 West Theo
109	St. James Library, 907 West Theo
110	St. James Library, 907 West Theo
111	Edgewood Junior High School, 525 Cupples Road
112	Edgewood Junior High School, 525 Cupples Road
113	Edgewood Junior High School, 525 Cupples Road
114	Gardendale Elementary School, 1720 Athel Street
115	Kelly Elementary School, 1026 Thompson Place
116	Gardendale Elementary School, 1720 Athel Street
117	Kelly Elementary School, 1026 Thompson Place
118	Kelly Elementary School, 1026 Thompson Place
119	St. James Library, 907 West Theo

<u>PRECINCT NO.</u>	<u>POLLING PLACE</u>
120	Stonewall Elementary School, 804 Stonewall
121	Stonewall Elementary School, 804 Stonewall
122	Stonewall Elementary School, 804 Stonewall
123	Price Elementary School, 245 Price Avenue
124	Collier Elementary School, 834 West Southcross
125	Collier Elementary School, 834 West Southcross
126	Collier Elementary School, 834 West Southcross
127	Vestal Elementary School, 1111 Vestal
128	Gillette Elementary School, 625 Gillette Blvd.
129	Vestal Elementary School, 1111 Vestal
130	Price Elementary School, 245 Price Avenue
131	Five Palms Elementary School, 7138 Five Palms
132	Palo Alto Elementary School, 1725 Palo Alto
134	Five Palms Elementary School, 7138 Five Palms
136	Sam Rayburn Jr. High School, 1400 Cedarhurst
144	Sam Rayburn Jr. High School, 1400 Cedarhurst
146	Five Palms Elementary School, 7138 Five Palms
147	Palo Alto Elementary School, 1725 Palo Alto
148	Gillette Elementary School, 625 Gillette Blvd.

PRECINCT
NO.

POLLING PLACE

201	Bowie Elementary School, 451 Arbor Place
202	Bowie Elementary School, 451 Arbor Place
203	Ogden Elementary School, 2215 Leal Street
204	Las Palmas Elementary School, 115 Las Palmas Drive
205	Las Palmas Elementary School, 115 Las Palmas Drive
206	Ogden Elementary School, 2215 Leal Street
207	Ogden Elementary School, 2215 Leal Street
208	Bowie Elementary School, 451 Arbor Place
209	Woodlawn Elementary School, 1717 W. Magnolia
210	Woodlawn Elementary School, 1717 W. Magnolia
211	Fenwick Elementary School, 1930 Waverly
212	Coronado Elementary School, 435 S. San Dario
213	Coronado Elementary School, 435 S. San Dario
214	Lincoln Elementary School, 563 S. W. 40th Street
215	Holy Family Parish, 152 Florencia
216	Holy Family Parish, 152 Florencia
217	Longfellow Junior High School, 1130 E. Sunshine Drive
218	Fenwick Elementary School, 1930 Waverly
219	Woodlawn Elementary School, 1717 W. Magnolia
220	Maverick Elementary School, 107 Raleigh
221	Maverick Elementary School, 107 Raleigh
222	Maverick Elementary School, 107 Raleigh
223	Arnold Elementary School, 467 Freiling at Panda
225	Longfellow Junior High School, 1130 E. Sunshine Drive
226	Longfellow Junior High School, 1130 E. Sunshine Drive
227	Sul Ross Elementary School, 3630 Callaghan Road
228	Fire Station #32, Babcock at Wurzbach Road
229	Fire Station #32, Babcock at Wurzbach Road

PRECINCT
NO.

POLLING PLACE

230	Colonial Hills Elem. Sch., Vance Jackson @ Kerrybrook
231	Colonial Hills Elem. Sch., Vance Jackson @ Kerrybrook
232	Colonial Hills Elem. Sch., Vance Jackson @ Kerrybrook
233	Colonies North Elementary School, 9915 North Hampton
234	Colonies North Elementary School, 9915 North Hampton
235	Fire Station #34, 15430 Babcock Road
236	Fire Station #34, 15430 Babcock Road
237	Fire Station #34, 15430 Babcock Road
238	Oxford United Methodist Church, Huebner Road
243	Mary Hull Elementary School, 7320 Remuda
249	Lincoln Elementary School, 563 S. W. 40th Street
250	Lincoln Elementary School, 563 S. W. 40th Street
251	Mary Hull Elementary School, 7320 Remuda
252	Mary Hull Elementary School, 7320 Remuda
254	Oxford United Methodist Church, Huebner Road
301	Travis Elementary School, 1915 N. Main Avenue
302	Travis Elementary School, 1915 N. Main Avenue
303	Travis Elementary School, 1915 N. Main Avenue
304	Travis Elementary School, 1915 N. Main Avenue
305	Bowden School, 315 Willow
306	Fire Station #5, 1011 Mason
307	Alamo Stadium Gym, Alamo Stadium
308	Alamo Stadium Gym, Alamo Stadium
309	Alamo Stadium Gym, Alamo Stadium
310	Beacon Hills Elementary School, 1400 W. Ashby
311	Beacon Hills Elementary School, 1400 W. Ashby
312	Los Angeles Hts. Methodist Church, 802 Catalina
313	Los Angeles Hts. Methodist Church, 802 Catalina

<u>PRECINCT NO.</u>	<u>POLLING PLACE</u>
314	Woodrow Wilson School, 1421 Clower
315	Woodrow Wilson School, 1421 Clower
316	Woodrow Wilson School, 1421 Clower
323	St. Andrew's Methodist Church, 722 Robinhood
324	E. Terrell Hills Elementary School, 4415 Bloomdale
325	E. Terrell Hills Elementary School, 4415 Bloomdale
326	St. Andrew's Methodist Church, 722 Robinhood
327	Fire Station #17, 1539 Sandalwood
328	Fire Station #17, 1539 Sandalwood
329	Blessed Sacrament, 110 Shannon Lee
330	Nimitz Junior High School, 5426 Blanco Road
331	Nimitz Junior High School, 5426 Blanco Road
332	Nimitz Junior High School, 5426 Blanco Road
335	Blessed Sacrament, 110 Shannon Lee
336	Blessed Sacrament, 110 Shannon Lee
337	St. Andrew's Methodist Church, 722 Robinhood
338	Oak Grove Elementary School, 3250 Nacogdoches Road
339	Oak Grove Elementary School, 3250 Nacogdoches Road
340	Robbins Elementary School, 703 Trafalgar
341	Harmony Hills Elementary School, 10727 Memory
342	Harmony Hills Elementary School, 10727 Memory
343	Windrush Apartments, 2447 Lockhill-Selma
344	Windrush Apartments, 2447 Lockhill-Selma
345	Harmony Hills Elementary School, 10727 Memory
346	Harmony Hills Elementary School, 10727 Memory
347	Coker Elementary School, Heimer Road
348	Clear Springs Elementary School, 4311 Clear Springs Road
354	Bowden School, 315 Willow
355	Beacon Hills Elementary School, 1400 W. Ashby

PRECINCT
NO.

POLLING PLACE

356	Fire Station #5, 1011 Mason
357	Fire Station #5, 1011 Mason
358	Woodrow Wilson School, 1421 Clower
359	Woodrow Wilson School, 1421 Clower
360	Blessed Sacrament, 110 Shannon Lee
361	Serna Elementary School, 2569 N. E. Loop 410
362	Serna Elementary School, 2569 N. E. Loop 410
363	El Dorado Elementary School, 12634 El Sendero
364	El Dorado Elementary School, 12634 El Sendero
365	Coker Elementary School, Heimer Road
366	Robbins Elementary School, 703 Trafalgar
368	Coker Elementary School, Heimer Road
401	Victoria Courts Center, 225 Labor Street
402	Victoria Courts Center, 225 Labor Street
403	Brackenridge High School, 1623 S. St. Mary's
404	Smith Elementary School, 823 Gevers
405	Tynan Elementary School, 925 Gulf
406	Tynan Elementary School, 925 Gulf
407	Tynan Elementary School, 925 Gulf
408	Lone Oak Mall, 1015 S. W. W. White Road
409	Lone Oak Mall, 1015 S. W. W. White Road
410	Smith Elementary School, 823 Gevers
411	Smith Elementary School, 823 Gevers
412	Fire Station #20, 2903 S. New Braunfels
413	Fire Station #20, 2903 S. New Braunfels
414	Riverside Park Elementary School, 202 School Street
415	Riverside Park Elementary School, 202 School Street
416	Morrill Ward School, Greenwood at E. Sayers

PRECINCT
NO.

POLLING PLACE

417	Morrill Ward School, Greenwood at E. Sayers
418	Fire Station #20, 2903 S. New Braunfels
419	Fire Station #20, 2903 S. New Braunfels
420	McCreless Shopping Center, 4100 S. New Braunfels
421	McCreless Shopping Center, 4100 S. New Braunfels
422	McCreless Shopping Center, 4100 S. New Braunfels
423	Inez Foster Elementary School, 6718 Pecan Valley
424	Inez Foster Elementary School, 6718 Pecan Valley
425	Inez Foster Elementary School, 6718 Pecan Valley
426	Highland Hills Elementary School, 734 Glamis
427	Highland Hills Elementary School, 734 Glamis
428	Dellcrest Shopping Center, 1816 S. W. W. White Road
429	Ed White Junior High School, 5623 Castle Knight
430	Lone Oak Mall, 1015 S. W. W. White Road
431	Lone Oak Mall, 1015 S. W. W. White Road
432	Dellcrest Shopping Center, 1816 S. W. W. White Road
433	Dellcrest Shopping Center, 1816 S. W. W. White Road
434	Salado Elementary School, 3602 S. W. W. White Road
435	Salado Elementary School, 3602 S. W. W. White Road
436	Scheh Elementary School, 906 March
437	Harlandale Junior High School, 300 W. Huff
438	Bellaire School, 142 E. Amber Place
439	Bellaire School, 142 E. Amber Place
440	Bellaire School, 142 E. Amber Place
441	Scheh Elementary School, 906 March
442	Scheh Elementary School, 906 March
447	Ed White Junior High School, 5623 Castle Knight
449	Ed White Junior High School, 5623 Castle Knight
452	Ed White Junior High School, 5623 Castle Knight
455	Brackenridge High School, 1623 S. St. Mary's
460	Harlandale Junior High School, 300 W. Huff

"THE FIRE AND POLICE

EMPLOYEE RELATION ACT"

TEXAS LEGISLATIVE SERVICE
5/3/73

H. B. 185
AS FINALLY PASSED AND RESUBMITTED
TO THE GOVERNOR FOLLOWING RECONSIDERATION
PURSUANT TO H.C.R. 132
ARTICLE 5154c-1, CHAPTER 81 - 63rd LEGIS-
LATURE, VERNON CIVIL STATUTES.

3-8-9-10--340

AN ACT

to authorize and provide for recognition of fire and police service
employee associations and collective bargaining for firefighters and police-
men employed by cities, towns, and other political subdivisions of the state;
to provide that firefighters and policemen shall receive compensation and
other conditions comparable to private sector employees; to provide for
impasse procedures and voluntary mediation; to provide for voluntary arbi-
tration as one alternative to strikes and lockouts for settlement of disputes
affecting firefighters and policemen; to prohibit strikes and lockouts of
firefighters and policemen; to prescribe standards to govern collective bar-
gaining and arbitration under the Act; providing for adoption of the Act by
local option elections; to require compliance with collective bargaining
agreements and awards of boards of arbitration under the Act; to provide for
judicial enforcement of the Act; to make related provisions designed to
effectuate the purposes of the Act; to provide for a declaration of policy,
liberal construction, definitions of certain terms, severability, and pre-
cedence over contrary laws; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. DESIGNATION OF ACT. This Act shall be known as "The Fire
and Police Employee Relations Act."

Sec. 2. POLICY. (a) It is declared to be the policy of the State of
Texas that cities, towns, and other political subdivisions within the state
having police and/or fire departments shall provide the firefighters and
policemen, in said departments, with compensation and other conditions of em-
ployment that are substantially the same as compensation and conditions pre-
vailing in comparable private sector employment.

1 and policemen, like employees in the private sector, should have the right to
2 organize for purposes of collective bargaining, for collective bargaining is
3 deemed to be a fair and practical method for determining wages and other con- 2.
4 ditions of employment for the employees who comprise the paid fire and police
5 departments of the cities, towns, and other political subdivisions within this
6 state. A denial to such employees of the right to organize and bargain
7 collectively would lead to strife and unrest, with consequent injury to the
8 health, safety, and welfare of the public. The protection of the health,
9 safety, and welfare of the public, however, demands that strikes, lockouts,
10 work stoppages and slowdowns of firefighters and policemen be prohibited;
11 therefore, it is the obligation of the state to make available reasonable
12 alternatives to strikes by employees in these protective services.

13 (2) In view of the essential and emergency nature of the public service
14 performed by firefighters and policemen, a reasonable alternative to such
15 strikes is a system of arbitration conducted under adequate legislative stand-
16 ards. Another reasonable alternative, which should be provided in the event
17 the parties fail to agree to arbitrate, is judicial enforcement of the re-
18 quirements of this Act regarding the compensation and working conditions
19 applicable to firefighters and policemen.

20 (3) With the right to strike prohibited, it is requisite to the high
21 morale of firefighters and policemen, and to the efficient operation of the
22 departments which they serve, that alternative procedures be expeditious,
23 effective, and binding. To that end, the provisions of this Act should be
24 liberally construed.

25 Sec. 3. DEFINITIONS. As used in this Act, the following terms have
26 the following meanings:

27 (1) The term "firefighter" means each permanent paid employee in the
28 fire department of any city, town, or other political subdivision within the

1 state, with the sole exception of the chief of the department. Nothing
2 herein shall apply to volunteer firefighters.

3 (2) The term "policeman" means each sworn certified full-time paid
4 employee, whether male or female, who regularly serves in a professional law
5 enforcement capacity in the police department of any city, town, or other
6 political subdivision within the state, with the sole exception of the chief
7 of the department.

8 (3) The term "public employer" means the proper official or officials
9 within any city, town, or other political subdivision whose duty is to estab-
10 lish the wages, salaries, rates of pay, hours, working conditions, and other
11 terms and conditions of employment of firefighters and/or policemen whether
12 such person or persons be the mayor, city manager, town manager, town admin-
13 istrator, city council, director of personnel, personnel board, commissioners,
14 or other officials, by whatever name designated, or by a combination of such
15 persons.

16 (4) The term "association" means any organization of any kind, or any
17 agency or employee representation committee or plan, in which firefighters
18 and/or policemen participate and which exists for the purpose, in whole or in
19 part, of dealing with one or more employers, whether public or private, con-
20 cerning grievances, labor disputes, wages, rates of pay, hours of employment,
21 or conditions of work affecting firefighters and/or policemen.

22 (5) "Strike" means the failure, in concerted action with others, to
23 report for duty, the wilful absence from one's position, the stoppage of work,
24 or the abstinence in whole or in part from the full, faithful, and proper per-
25 formance of the duties of employment, or in any manner interfering with the
26 operation of any municipality, for the purpose of inducing, influencing, or
27 coercing a change in the conditions or compensation or the rights, privileges,
28 or obligations of employment.

1 Sec. 4. REQUIREMENT FOR PREVAILING WAGES AND CONDITIONS.

2 Cities, towns, and other political subdivisions within the state employing
3 firefighters and/or policemen shall provide those protective service employees 4.
4 with compensation and other conditions of employment that are substantially
5 the same as compensation and other conditions of employment which prevail in
6 comparable private sector employment; therefore, compensation and other con-
7 ditions of employment for those employees shall be based on prevailing private
8 sector wages and working conditions in the labor market area in other jobs, or
9 portions of other jobs, which require the same or similar skills, ability, and
10 training, and which may be performed under the same or similar conditions.

11 Sec. 5. RIGHT TO ORGANIZE AND BARGAIN COLLECTIVELY. (a) Upon the
12 adoption of the provisions of this Act by any city, town, or political sub-
13 division in this state to which this Act applies, as herein in this section
14 provided, firefighters and/or policemen shall have the right to organize and
15 bargain collectively with their public employer as to wages, hours, working
16 conditions, and all other terms and conditions of employment.

17 (b) The provisions of this Act may be adopted by any city, town, or
18 other political subdivision to which this Act applies by the following method:

19 Upon receiving a petition signed by the lesser of five percent or 20,000
20 of the qualified voters voting in the last preceding general election in such
21 city, town, or political subdivision, the governing body of such city, town
22 or political subdivision shall hold an election within 60 days after said
23 petition has been filed with such governing body. If at said election, a
24 majority of the votes cast shall favor the adoption of this Act, then such
25 governing body shall place this Act into effect within 30 days after the be-
26 ginning of the first fiscal year of said city or town after said election. The
27 question which shall be submitted to the vote of the qualified electors shall
28 be as follows:

1 FOR or AGAINST the following:

2 Adoption of the state law applicable to "firefighters and policemen" or
3 "firefighters" or "policemen", (whichever shall be applicable), which estab- 5.
4 lishes collective bargaining when a majority of the affected employees favor
5 representation by an employees' association and which preserves the prohibi-
6 tion of strikes and lockouts and provides penalties therefor.

7 (c) In any city, town, or political subdivision in which the provi-
8 sions of this Act have been in effect for a period of one year, if a petition
9 signed by the lesser of five percent or 20,000 of the qualified voters voting
10 in the last preceding general election in such city, town, or political sub-
11 division shall be presented to the governing body thereof to call an election
12 for the repeal of the adoption of the provisions of this Act, then and in that
13 event, the governing body shall call an election of the qualified voters to
14 determine if they desire to repeal such adoption. If at said election, a
15 majority of the votes cast shall favor the repeal of the adoption of this Act,
16 then the provisions hereof shall become null and void as to such city, town,
17 or political subdivision. The question which shall be submitted to the vote
18 of the qualified electors shall read as follows:

19 FOR or AGAINST the following:

20 Repeal of the adoption of the state law applicable to "firefighters and
21 policemen" or "firefighters" or "policemen", (whichever shall be applicable),
22 which establishes collective bargaining when a majority of the affected em-
23 ployees favor representation by an employees' association and which preserves
24 the prohibition of strikes and lockouts and provides penalties therefor.

25 (d) When any election has been held in any city, town, or political
26 subdivision at which election the adoption or rejection of the adoption of
27 this Act has been submitted as aforesaid, a like petition for another such
28 election shall not be filed for at least one year subsequent to the election

1 so held.

2 Sec. 6. RECOGNITION OF BARGAINING AGENT. (a) An association selected
3 by a majority of the paid firefighters of a fire department in any city, town,
4 or other political subdivision, excluding the chief of the department, shall
5 be recognized by the public employer as the sole and exclusive bargaining
6 agent for all of the firefighters of that department, unless and until recog-
7 nition of such association is withdrawn by a majority of those firefighters.

8 (b) An association selected by a majority of the sworn certified full-
9 time paid policemen of a police department in any city, town, or other
10 political subdivision, excluding the chief of the department, shall be recog-
11 nized by the public employer as the sole and exclusive bargaining agent for
12 all of the policemen of that department, unless and until recognition of such
13 association is withdrawn by a majority of those policemen.

14 (c) In the event of a question as to whether or not an association is
15 the majority representative of the employees in a department, pursuant to
16 this section, such question concerning representation shall be resolved by a
17 fair election conducted according to procedures agreeable to the parties. If
18 the parties are unable to agree on such procedures, either party may request
19 the American Arbitration Association to conduct the election and to certify
20 the results thereof. Certification of the results of an election held pur-
21 suant to this section shall resolve the question concerning representation.
22 The public employer shall be responsible for the expenses of the election,
23 provided however that if two or more associations seek recognition as the
24 bargaining agent then said associations shall share the costs of such election
25 equally.

26 (d) Although the fire and police departments within the same city,
27 town, or other political subdivision shall constitute separate collective
28 bargaining units under this Act, nothing contained herein shall prevent

1 associations representing employees in both of these departments within the
2 same city, town, or other political subdivision from voluntarily joining
3 together for purposes of collective bargaining with the public employer. 7.

4 Sec. 7. OBLIGATION TO BARGAIN IN GOOD FAITH. (a) Whenever the fire-
5 fighters and/or the policemen of a city, town, or other political subdivision
6 of the state are represented by an association in accordance with Section 6
7 of this Act, the public employer and the association shall be obligated to
8 bargain collectively.

9 (b) For purposes of this section, to bargain collectively is the per-
10 formance of the mutual obligation of the public employer and the association
11 to meet at reasonable times and confer in good faith with respect to wages,
12 hours, and other terms and conditions of employment, or the negotiation of an
13 agreement, or any question arising thereunder, and the execution of a written
14 contract incorporating any agreement reached if requested by either party,
15 but such obligation does not compel either party to agree to a proposal or
16 require the making of a concession.

17 (c) The association or the public employer may designate any person or
18 persons to negotiate or bargain on its behalf; and the parties may utilize
19 mediation, pursuant to Section 9 of this Act, to assist them in arriving at
20 an agreement.

21 (d) Whenever wages, rates of pay, or any other matter requiring appro-
22 priation of money by any governing body are included as a matter for collec-
23 tive bargaining pursuant to this Act, it shall be the obligation of the asso-
24 ciation to serve written notice of request for such collective bargaining on
25 the public employer at least 120 days before the conclusion of the current
26 fiscal operating budget.

27 (e) All deliberations pertaining to collective bargaining between an
28 association and a public employer or any deliberation by a quorum of members

1 of an association authorized to bargain collectively or by a member of a
2 public employer authorized to bargain collectively shall be open to the
3 public and in compliance with the Acts of the State of Texas. 8.

4 Sec. 8. ENFORCEABILITY OF AGREEMENTS. Whenever a public employer and
5 an association reach an agreement on compensation and/or other terms and
6 conditions of employment for firefighters or policemen, pursuant to the pro-
7 visions of this Act, the public employer shall be deemed to be in compliance
8 with the requirements of Section 4 hereof as to such terms and conditions of
9 employment for the duration of agreement. The agreement shall be enforceable
10 and shall be binding upon the public employer, the association, and the fire-
11 fighters or policemen covered therein.

12 Sec. 9. IMPASSE PROCEDURES AND VOLUNTARY MEDIATION. (a) In any dis-
13 pute between a public employer and its protective services employees repre-
14 sented by an association, pursuant to this Act, where an impasse is reached
15 in the collective bargaining process, or where the appropriate lawmaking body
16 fails to approve a contract reached through collective bargaining, and as a
17 result the public employer and the employees are unable to effect a settle-
18 ment, then either party to the dispute, after written notice to the other
19 party containing specifications of the issue or issues in dispute, may request
20 appointment of an arbitration board; provided, however, a party shall not re-
21 quest arbitration more than once during any fiscal year.

22 (b) For purposes of this section, an impasse in the collective bar-
23 gaining process shall be deemed to occur when the parties do not reach a
24 settlement of the issue or issues in dispute by way of a written agreement
25 within 60 days after initiation of the collective bargaining proceedings.
26 The period, however, may be extended by written agreement for additional per-
27 iods of time, provided each such extension of time is for a definite period
28 not to exceed 15 days.

1 (c) Prior to invoking arbitration, the parties shall make every
2 reasonable effort to settle their dispute through good-faith collective bar-
3 gaining; such efforts shall include mediation, provided a mediator can be 9.
4 appointed by agreement of the parties or by an appropriate agency of the state.
5 If a mediator is appointed, his function shall be to assist all parties to
6 reach a voluntary agreement. He may hold separate or joint conferences as he
7 deems expedient to effect a voluntary, amicable and expeditious adjustment
8 and settlement of the differences and issues between the parties. He shall
9 make no public recommendation on any negotiation issue in connection with the
10 performance of his service nor shall he make a public statement or report
11 which evaluates the relative merits of the position of the parties. The
12 mediator may, however, recommend or suggest to the parties any proposal or
13 procedure which in his judgment might lead to settlement.

14 Sec. 10. ARBITRATION. (a) The request for arbitration referred to
15 in Section 9 hereof shall be initiated within five days following the expir-
16 ation of the 60-day pre-impasse period or within five days following an agreed
17 extension of the period, as provided in Section 9. If both parties elect to
18 settle their dispute by arbitration, such election shall be made within five
19 days following the request for arbitration, and shall be in the form of a
20 written agreement to arbitrate. The issues to be arbitrated shall be all
21 matters which the parties have been unable to resolve through collective bar-
22 gaining in accordance with the procedures of Sections 7 and 9 of this Act.

23 (b) Although the policy of this Act favors and encourages the parties
24 to elect voluntary arbitration, nothing contained herein shall be deemed a
25 requirement for compulsory arbitration.

26 Sec. 11. ARBITRATION BOARD. If the parties elect arbitration, within
27 five days following the execution of the agreement to arbitrate they shall
28 select and name one arbitrator and shall immediately notify each other in

1 writing of the name and address of the person so selected. The two arbitra-
2 tors so selected and named shall, within 10 days from the execution of the
3 agreement to arbitrate, attempt to agree upon a third (neutral) arbitrator. 10.
4 If on the expiration of the said 10-day period the two arbitrators have been
5 unable to agree upon the selection of the third arbitrator, either party may
6 request the American Arbitration Association to utilize its procedures for
7 selection of the neutral arbitrator, and said association shall be authorized
8 to effect the appointment of the neutral arbitrator according to fair and
9 regular procedures. Unless both parties consent, the neutral arbitrator so
10 selected will not be the same person selected as a mediator pursuant to
11 Section 9 hereof. The third (neutral) arbitrator, whether selected as a re-
12 sult of agreement between the two arbitrators previously selected or selected
13 pursuant to American Arbitration Association procedures, shall serve as chair-
14 man of the arbitration board.

15 Sec. 12. HEARINGS. (a) The arbitration board shall, acting through
16 its chairman, call a hearing to be held within 10 days after the date of the
17 appointment of the chairman; and the board shall, acting through its chairman,
18 give the other two arbitrators, the association, and the public employer at
19 least seven days' notice in writing of the time and place of such hearing.
20 The hearing shall be informal, and the rules of evidence prevailing in judicial
21 proceedings shall not be binding. Any and all documentary evidence and other
22 data deemed relevant by the arbitrators may be received in evidence. The
23 arbitrators shall have the power to administer oaths and to require by subpoena
24 the attendance and testimony of witnesses, the production of books, records,
25 and other evidence relative or pertinent to any issue presented to them for
26 determination.

27 (b) The hearing conducted by the arbitration board shall be concluded
28 within 20 days of the time of commencement; within 10 days after the conclusion

1 of the hearing the arbitration board shall make written findings, in accord-
2 ance with Section 12 of this Act, and render a written award on the issues
3 presented. A copy of the findings and award shall be mailed or otherwise
4 delivered to the association and to the public employer.

11.

5 (c) Time periods specified in this section may be extended for reason-
6 able periods by written agreement of the parties. Time periods may also be
7 extended, for good cause, by the arbitration board, provided the cumulative
8 period of the extensions granted by the board shall not exceed 20 days.

9 Sec. 13. SCOPE OF THE ARBITRATORS' AUTHORITY, EFFECT OF THE AWARD, AND
10 ENFORCEABILITY. (a) It shall be the duty of the arbitration board to render
11 an award in accordance with the requirements of Section 4 of this Act. Accord-
12 ingly, hazards of employment, physical qualifications, educational qualifi-
13 cations, mental qualifications, job training, and skills are factors, among
14 others, which the arbitrators shall consider in settling disputes relating to
15 wages, hours, and other terms and conditions of employment.

16 (b) When an arbitration award is rendered in accordance with these pro-
17 visions, the public employer involved shall be deemed to be in compliance with
18 the requirements of Section 4 hereof as to the terms and conditions provided
19 by said award for the duration of the collective bargaining period for which
20 the award is applicable.

21 (c) A majority decision of the arbitration board, if supported by com-
22 petent, material, and substantial evidence on the whole record, shall be
23 final and binding upon the parties, and may be enforced, at the instance of
24 either party or of the arbitration board, in the state district court for the
25 judicial district in which a majority of the affected employees reside.

26 (d) The commencement of a new fiscal year following the initiation of
27 arbitration procedures under this Act, but prior to the rendition of the arbi-
28 tration award or its enforcement, shall not render a dispute meet or otherwise

1 impair the jurisdiction or authority of the arbitration board or its award.

2 Increases in rate of compensation awarded by the arbitration board under this 12.
3 section may be effective only at the start of the fiscal year next commencing
4 after the date of the arbitration award. If a new fiscal year has commenced
5 since initiation of arbitration procedures under this Act, the foregoing
6 limitation shall be inapplicable and such awarded increases may be retroactive
7 to the commencement of such fiscal year, any other statute or charter provi-
8 sion to the contrary notwithstanding.

9 (e) The parties may amend or modify an arbitration award by agreement
10 in writing at any time.

11 Sec. 14. JUDICIAL REVIEW OF THE ARBITRATION AWARD. Awards of the arbi-
12 tration board shall be reviewable by the state district court for the judicial
13 district in which the municipality is located, but only on the following grounds;

14 (1) That the arbitration panel was without or exceeded its jurisdiction; (2)
15 that the order is unsupported by competent material, and substantial evidence
16 on the whole record; or (3) that the order was procured by fraud, collusion,
17 or other such unlawful means. The pendency of a proceeding for review shall
18 not automatically stay the order of the arbitration board.

19 Sec. 15. COMPENSATION OF ARBITRATORS AND EXPENSES. The compensation,
20 if any, of the arbitrator appointed for the firefighters and/or policemen
21 shall be paid by the association representing the firefighters and/or police-
22 men. The compensation of the arbitrator appointed for the public employer
23 shall be paid by the public employer. The compensation of the neutral arbi-
24 trator, as well as all stenographic and other expenses incurred by the arbi-
25 tration board in connection with the arbitration proceedings, shall be paid
26 jointly in even proportions by the association representing the firefighters
27 and/or the policemen and the public employer. If either party in the arbi-
28 tration requires a transcript of the arbitration proceedings that party shall

1 be required to bear the cost of the transcript.

2 Sec. 16. JUDICIAL ENFORCEMENT WHEN THE PUBLIC EMPLOYER DECLINES TO
3 ARBITRATE. Should a public employer choose not to elect arbitration when
4 arbitration has been requested by an association pursuant to Sections 9, 10,
5 and 11 hereof, on the application of the association, the state district court
6 of the judicial district in which a majority of the affected employees reside
7 shall have full power, authority, and jurisdiction to enforce the requirements
8 of Section 4 hereof as to any unsettled issue relating to compensation and/or
9 other terms and conditions of employment for firefighters and/or policemen.
10 The court costs of any such action, including costs for a master if one is
11 appointed, shall be taxed against the public employer. In the event the court
12 finds the public employer in violation of Section 4 hereof, it shall: (1)
13 order the public employer to make the affected firefighters and/or policemen
14 whole as to their past losses; (2) declare the compensation and/or other terms
15 and conditions of employment required by Section 4 hereof for the period as to
16 which the parties had been bargaining, but not to exceed a period of one year,
17 and (3) award the employees' association reasonable attorney's fees.

18 Sec. 17. STRIKES AND LOCKOUTS. (a) Strikes, lockouts, work stoppages,
19 and slowdowns of firefighters and/or policemen shall be unlawful, and they
20 are hereby prohibited.

21 (b) In the case of a lockout of firefighters or policemen by a municipality,
22 or its designated representative or agent, or a department or agency head, the
23 Court shall (i) issue an order restraining and enjoining such violation, and/or
24 (ii) impose on any individual violator a fine of not more than \$2,000.

25 (c) Upon the finding by the district court in which the municipality
26 is located that a fire or police service association has called, ordered,
27 aided, or abetted in a strike of firefighters or policemen, the Court shall
28 impose upon such employee organization, for each day of such violation a fine

1 fixed in an amount equal to 1/26 of the total amount of annual membership dues
2 of such association or \$20,000, whichever is the lesser; provided, however, that 14.
3 were an amount equal to 1/26 of the total amount of annual membership dues of
4 such employee organization is less than \$2,500, such fine shall be fixed in the
5 amount of \$2,500. In addition, the Court shall order forfeiture of any mem-
6 bership dues checkoff for a specified period of time not to exceed 12 months.
7 If, however, the association alleges, and the Court finds, that the appropriate
8 municipality or its representatives engaged in such acts of extreme provoca-
9 tion as to detract substantially from the responsibility of the association
10 for the strike, the Court may, in its discretion, reduce the amount of the
11 fine imposed.

12 (d) If an association appeals a fine imposed pursuant to the preceding
13 paragraph, (i) the Court to which such an appeal is taken shall, on motion of
14 any party thereto, grant a preference in the hearing thereof, and (ii) such
15 employee organization shall not be required to pay such fine until such appeal
16 is finally determined.

17 (e) If a firefighter or policeman engages in a strike, or interferes
18 with the municipality, or prevents the municipality from engaging in its duty,
19 or commits, attempts or directs any employee of the municipality to stop or
20 decline to work, or slowdown work, or causes any other person to fail or refuse
21 to deliver to the municipality goods or services, or pickets for any of the
22 above illegal acts, or conspires to perform any of the above acts, the wages or
23 compensation in any form of such firefighter or policeman shall not increase in
24 any manner or form, until after the expiration of one year from the date such
25 firefighter or policeman resumes normal working duties, and said firefighter or
26 policeman shall be on probation for two years with respect to civil service
27 status, tenure of employment, or contract of employment, which that person may
28 have heretofore been entitled.

1 Sec. 18. JUDICIAL ENFORCEMENT GENERALLY. The state district court of
2 the judicial district in which the municipality is located, and any judge
3 thereof, shall have full power, authority, and jurisdiction, on the appli-
4 cation of either party aggrieved by an action or omission of the other
5 party, when such action or omission pertains to the rights, duties, or
6 obligations provided in this Act, to issue any and all proper restraining
7 orders, temporary or permanent injunctions, and any other and further writ,
8 order, or process, including but not limited to contempt orders, that are
9 appropriate to carrying out and enforcing the provisions of the Act.

10 Sec. 19. SEVERABILITY. If any provision of this Act or the applica-
11 tion of such provision to any person or circumstance is held invalid, the
12 remainder of the Act or the application of such provision to persons or
13 circumstances other than those to which it is held invalid shall not be
14 affected thereby.

15 Sec. 20. ACT TAKES PRECEDENCE. (a) This Act shall supersede all
16 conflicting provisions in previous statutes concerning this subject matter;
17 to the extent of any conflict the previous conflicting statutory provision
18 is hereby repealed; and this Act shall preempt all contrary local ordinances,
19 executive orders, legislation, rules, or regulations adopted by the state
20 or by any of its political subdivisions or agents, such as, but not limited
21 to, a personnel board, a civil service commission, or a home-rule munici-
22 pality.

23 (b) Provisions of collective bargaining contracts made pursuant to
24 this Act shall take precedence over state or local civil service provisions
25 whenever the collective bargaining contract, by agreement of the parties,
26 specifically so provides. Otherwise, the civil service provisions shall pre-
27 vail. Civil service provisions, however, shall not be repealed or modified
28 by arbitration or judicial action; although arbitrators and courts, where

1 appropriate, may interpret and/or enforce civil service provisions.

2 (c) Nothing contained in this Act shall be construed as repealing any 16.
3 existing benefit provided by statute or ordinance concerning firefighters' or
4 policemen's salaries, pensions, or retirement plans, hours of work, conditions
5 of work, or other emoluments; this Act shall be cumulative and in addition to
6 the benefits provided by said statutes and ordinances.

7 (d) Nothing contained in this Act shall be deemed a limitation on the
8 authority of a fire chief or police chief of a city under Chapter 325, Acts
9 of the 50th Legislature, 1947 (Article 1269m, Vernon's Texas Civil Statutes),
10 except to the extent the parties through collective bargaining shall agree to
11 modify such authority.

12 Sec. 21. EMERGENCY CLAUSE.
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